

## REMARKS/ARGUMENTS

Claims 1, 3, 5, 8, 10, 21, and 22 are pending in the present application. Claim 1 was amended. No claims were added or canceled. Reconsideration of the claims is respectfully requested in view of the above amendments and the following comments.

### **I. 35 U.S.C. § 112, Second Paragraph**

The Examiner has rejected claims 1, 3, 5, 8, 10, 21 and 22 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter, which applicants regard as the invention. This rejection is respectfully traversed.

In rejecting the claims, the Examiner states:

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP 5 2172.01. Since the method is implemented in a weight management system independent of a load balancing system, and it appears that the load balancer distributes the traffic to the application instances according to the weights, however there is no step which sends the computed weights from the weight balancing system to the load balancer as illustrated in Figure 8, ref. 895. Correction is requested to include this step in the independent claim for clear understanding of how the weights are received and used in the load balancing system.

3. Claims 3, 5, 8, 21, and 22 are rejected as being dependent on a rejected base claim.

Office Action dated July 21, 2008, page 2.

By the present Amendment, claim 1 has been amended to positively recite the step of "providing the load balancing weight to a load balancing device", and, in addition, to recite "the load balancing device distributing the traffic to the application instance based on the load balancing weight" was performed by the load balancer.

Claim 1 now includes all essential steps, is clear and definite throughout, and fully satisfies the requirements of 35 U.S.C. § 112, second paragraph, in all respects.

Claims 3, 5, 8, 10, 21 and 22 depend from and further restrict claim 1, and also satisfy 35 U.S.C. § 112, second paragraph, by virtue of the above amendments to claim 1.

Therefore the rejection of claims 1, 3, 5, 8, 10, 21 and 22 under 35 U.S.C. § 112, second paragraph has been overcome.

## **II. Allowable Subject Matter**

The Examiner indicates that claims 1, 3, 5, 8, 10, 21 and 22 appear to be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph. As indicated above, independent claim 1 has been amended to overcome this rejection. This application is, accordingly, now in condition for allowance.

## **III. Conclusion**

For all the above reasons, this application is believed to be in condition for allowance, and it is respectfully requested that the Examiner so find and issue a Notice of Allowance in due course.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: August 12, 2008

Respectfully submitted,

/Gerald H. Glanzman/

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